G. R. S. IX-5]

Previous references.

Police 110-18 (1-2)

1918.

(police)

File No. 133 of 1918

Serial Nos. 1-8.

Later references.

Police 178-20 (1-6)

" 122-22-1

" 89-24 (1-3)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for November 1920.

SUBJECT.

Question of divesting Amildars of police power in view of the introduction of the Separation of the Judicial & Executive functions.

8(8) To the I. G. of police.

No. G. 8764 of 29.10.20.

States that it is not expedient to deprive the Amildars of their police functions and that any remissness on their part in the performance of their police duties may be brought to the notice of Govt. direct by the I. G. of Police.

W. P. 23—1-11—20,000—14-6-20

(For Disposal at a Meeting)

No. C. 114 C

..... 19.2.0. 21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the Schedule.)

Question of divesting Amildars of Police powers, in view of the introduction of the separation of the Judicial and Executive functions.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram
Chief Secretary to Government.

..... 23rd August 19.20.

Extraordinary Member of Council.

First Member of Council. ——— (vide Dewan no. 2 ?)

1257-25 24.8.20. **Second Member of Council.** Opinion recorded Reed 26.8.20.

Third Member of Council. Seen.

G.R.S. 11.] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Pol)

NOTES.

File No. 133-18

FILE HEADING.

Divesting the Amildars of their police functions

From

The I.G. of Police

No. 4639/3462 Dated 17/18.1.19 Received 20.1.19

Diary No. 9579	Enclos. – Spare Copies. –	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests for reasons given, that the Amildars of the Talukas where the Scheme of the Seperation of Judicial from Executive functions has Come in to operation may be divested of their police functions or that the Amildars should be made subordinate to the police officers & Inspector General and that the Amildars services should be Thrown open to the police Inspectors

NOTES AND ORDERS.

The proposals of the I.G. are as follows :-

1. Divesting the Amildars of their police functions

2. If the above proposal does not Commend itself to the Govt. as Govt. thinks that the Continuance of the police powers of the Amildars is necessary, the I.G. states that the following

NOTES—First Sheet.

GPB—30,000—12-9-11

safeguards are necessary.

(a) That the Amildar should be made subordinate of the police officer and S.P. of police in the same way as he is of the Revenue officers and the Revenue Courts and the promotion of the Amildars should also depend upon the opinion of the S.P.

(b) That the Amildari Service should be thrown open to the police inspectors.

2) This so far as relates to the main proposal. The S.P. takes this occasion to propose the following also

1) Appointment of an Asst Capt of police for each of the Sub Divns of Sagar, Davangere, Closepet and Chickballapur.

This has no connection with the main proposal viz. divesting the Amildars of their police functions.

3) As regards the 2nd proposal the S.P. states that the scheme of the seperation of Judicial from Executive as per G.O. No. P. 4550-4600 Ch 312-42-18 10 5. 18 naturally involves the question of divesting the Amildars of their police functions as they have been divested of the magesterial functions also.

4) The argument put forth by the S.P. in support of this proposal runs thus:—

"Time was when the Amildar was at the head of every branch of Administration in his taluk. He was exercising civil powers until the establishment of Munsiffs Court. He was the officer of the Registration, Excise & Forest Depts.

NOTE—Contn. sheet.

WD A 1739—GPB—60,000—20-3-18—S.

Serial No.

until the reorganization of these departments. The policy of Govt has been to decentralize his powers and with the deprivation of his magesterial powers his police powers must also go. It will be an anamoly of the worst kind to allow a purely Revenue officer to exercise police functions."

Subject

B.J.

22.1
Vol 5

The Dy. of Police says that the Amildars having been deprived of their magisterial powers will no longer be useful as heads of the Police firstly because the Police will not look up to them with respect because they (Amildars) having lost the powers of control & supervision which law gave them as magistrates secondly because the Amildars not being in touch with Criminal work will not be able to give instructions to the Police in the investigation of cases thirdly because the Amildars

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No.

not being now responsible for the general maintenance of law and order in their talukas they will show ignorance of and want of interest in Police work; fourthly because the intervention of the Amildar will divest the Police of their responsibility & have spoiled their cases they will throw the blame entirely upon the head of the Amildar; fifthly because as it is the policy of Govt to decentralize powers it wd be an anomaly of the worst kind to allow a purely Revenue Officer to exercise Police functions sixthly because the D.S.P. has no voice in the grant of promotions to Amildars & lastly because the work which is expected of Amildars can better be done by Asst Supdts

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Pol
Gul File No. 133 of 191 -19

Serial No.

of Police in charge of portions of districts (Police Subdns).

b) The Dy. adds that in case the Govt do not agree with him in thinking that the Amildars shd be divested of their Police powers the following recommendations of his maybe accepted :-

(1) the Dy. should be consulted in the matter of promotions of the Amildars;

(2) the Amildar shd be made subordinate to the D. S. P. in same way as he is subordinate to the S. D. O; and

(3) the Amildari service shd be thrown open to the Police Inspectors as before.

~~Amildars ... Police Inspectors ... other side ... Inspectors~~.

NOTE—Contn. sheet.

WD A 1799—GPB—60.000—20-3-19—S.

General and Revenue Secretariat. | pol File No. 133 of 191 8

Serial No.

7) Under para 5 of G. O. of 10.5.1918 the Amildar continues ~~to be~~ :-
(1) to be an ex officio magistrate
(2) to be responsible for the general maintenance of the peace & order
(3) to perform all the executive functions of a magte under the Criminal Pro. Code
(4) to exercise all the powers given to him as a magte under the Police Regulations and other enactments

It will thus be seen that the new Special Magtes exercise magisterial powers only in cases in which complaints are lodged by private parties or charge sheets submitted by the Police in courts the other magisterial functions still vest in the Amildars as before.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | P.C. File No. 133 of 1918.

Serial No.

8) As the Police have still to take their orders from the Amildar in matters of maintenance of peace & order, or re-mand sheets (in places in which the Spl Magte, courts are not located) & in similar other matters the latter possess all the powers of control & supervision over the former, as heretofore. Such being the case the Police cannot afford to do anything but to look up to the Amildars with respect.

9) It cannot be said that the Amildars will lose touch with the criminal work under the new scheme. Upto now they did not take part in the investigation of such cases as came up before them for trial. They were expected to take up the cases to give

These powers are nominal & do not give a total stranger Amildar over Police Officer

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

Serial No.

instructions in the remaining cases. Under the new scheme they can if they like, (or if they are required to do so), give instructions in every case & thus keep themselves in close touch with the Police work in their taluks

(10) The Govt can now make the Amildars solely responsible for ~~the~~ Police work in their taluks so that they may not shirk responsibility or allow their Inspectors & other subordinate officers to spoil cases. If the responsibility of the Amildar Inspector & Head Constable or Jamadar is clearly defined there will be no scope for any of them to throw the blame of bungling upon the heads of others. And the Amildar, who is well paid & expected to be

Have they passed?

What is the value of this instruction when they are not trained in investigation work

'Solely responsible' - this is impossible -

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 133 of 1918.

Serial No.

above corruption will be better able to keep his men in trim than the low paid Inspector.

11) By pursuing the policy of decentralization the Govt have relieved the Anildar of his work (1) in connection with the economic & industrial activities by the appointment of D.S.S. Economic Supdts & Industrial Supdts &c (2) in connection with Municipalities & Local Boards by ~~associating~~ attaining the reconstitution of Mul Boards councils & Local Boards under the Local Self Govt scheme (3) in respect of judicial work by the appointment of Special Magistrates (4) in other respects by giving them & others larger powers in various other departments. How

Mr. [illegible] Mr. [illegible] Mr. [illegible]
& [illegible]
& in no way relieved [illegible] work.

NOTE—Contn. sheet.

WD A 1739—GPB—60,000—20-8-18—S.

Serial No.

the Amildar has been so far relieved of his other work that he can very well afford to give a considerable portion of his time to Police work. If he is to be divested of his Police powers also the Govt will have to enlarge the existing talukas to keep him fully engaged. The Police & Revenue systems of Bombay & Mysore are practically the same with this difference that in the one he will continue to be a Magte without Police powers while in the other he will be a Policeman without Magisterial powers. And yet we find that the Mamlatdar of Bombay has to be in charge of a larger area & to look after a larger population & to collect a larger amount

In work that he does now & that he will do in future is very little indeed -

This appears no analogy whatsoever in the two cases. It is an opinion in favour of the proposal prepared that Govt in Bombay, the Mamlatdars have no Police powers

WD A 1789—GPB—60,000—20-3-19—S.

Serial No.

of land revenue than an Amildar.

12) If the Amildars are to be divested of Police powers the limits of several talukas will have to be enlarged & the remaining talukas abolished to keep them fully engaged. This will cause considerable hardship to the people & ruin several taluk headquarter towns.

13) Now that the Amildar can devote some time to Police work and perhaps do it as efficiently as an Asst Supdt in charge of a Police Sub Division consisting of a few talukas there need be no necessity for this question may, perhaps, be allowed to lie over for some time.

not unless he has had previous training in investigation work & is subject directly to the Taluk of the DSP

14) If Asst Supdts of Police are to be appointed they will have to be

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

12

General and Revenue Secretariat.

po (File No. /33 of 191 8

Serial No.

not necessarily - the Supt should not get the same pay as the Supt in British India. He can't get the pay of Police Magistrate pay of Rs 250.

Why

given the same pay as Deputy Supdts of Police in British India i.e from Rs 250 to 500. If the Govt are not prepared to do this & pay the Supdts proportionately more it will be better in the interests of the service to leave things as they are. (15) The Police Deptt has a real grievance in that the Inspectors are shut out from the Amildari service. The only way to remedy this is to have a few more appointments in the higher grades & reserve a certain number (say 1/3rd or 1/4 of posts of Supdts for Inspectors. The best course would be to take Hon posts from the Cadre Asst Commrs & reserve them in the

NOTE—Contn. sheet.

WD A 1769—GPB—60,000—20-3-18—S.

Serial No.

them in the appointments reserved for men working in the Police Deptt. These posts may be taken out of the Civil service so that the Inspectors may not be required to pass all the tests prescribed for officers in the general line.

2866/31.1.19

GMH
27.1.19

Chief Secy)

16) Before dealing with the case further the opinion of the Rev. Commr may be invited.

T. Supdt member
Dewan

CBJ
29/1/19
D.M.
30/1

11122
7-2-19.

17) Yr. the Revn Commissioner may be consulted

[illegible]
3/2/19

18) I think I made some ref to the position in my Report - & I think there is a good deal of force in the Yr. Comments

D.M.
Yr

NOTE—Contn. sheet.

(14

Serial No.

Seeing as the Police Commissioner
head of the Police Office - there
no fear about Police working
without proper Supervision.
Amildar should be in the post
of the head of Taluka Police
and not Simple Rev. Executive
Officers. -

19) A brief ref may be sent
to the Govt asking their
opinion as to whether the
Amildar should be the
Judicial Officer & Executive Officer
Collector & head of Police
& Rev. may. Govt call
the D. Officers with their
own remarks.

20) To be treated as Confl

Y
10.2

21) As at Sr
Please put up
draft. AS
4/2/19

22) Draft put up for appl
D.M.
12/2

Corrected

23) Issued
C.S.
1/2 To be marked
Strictly
Confl
D.M.
12/2

24)

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 133 of 1918

Serial No.	
2	To The Revenue Commissioners No 9 14119 dt 13-2-1919 Calls for opinion in the matter of divesting the Magistrates of their Police functions. 25) Please send Remr D.M. 6/3 26) Send with D.O. a draft D.O Remr GBS 6.3.19 GBS 6.3. 27) Appd D.M. 6/3 £20 10 8 Q 8/3/19
3	To The Rev Comrs D.O. no. 113 S 9 10.3.19 With Reference to the above states that he has asked the D. Comrs for their opinions in the matter and that he will submit the same with his opinion on receipt of their opinions. 28) Keep the receipt & the reply be awaited letter B.M. 14.3. 29) Yrs Remr ans 5.4.19 D.M. 29/3 30) Draft of a reminder is sent. SBR 4/4 GBS 4/4 31) Please put up ans 10.4.19 D.M. 6/4

Note—Contn. sheet.

WD A 1789—GPB—60,000—20-3-19—S.

13311

(16

G. R. S. III-2]

General and Revenue Secretariat. | P&C File No. 133 of 1918.

Serial No.	
4	From the Rev Commr. No. C 3162/Gfl 18-19 dt 19-3-1919 forwards copy of Shimoga D.C's letter furnishing his opinion in the matter & promises to forward his own opinion after the receipt of reply from the D.C. of Bangalore.
3	Further communication may be awaited.
	LBR 7/4

NOTE—Contn. sheet.

17

Serial No.

5 From

The Rev Comr

no C.3162 & 12/14.4.19

Submits his opinion regarding the question divesting the Amildars of their police powers together with the opinions of the Dy Comrs, Bangalore Dist.

33) The Dy Comr, Bangalore Dist is of opinion that no change is necessary at present, that there is greater reason for the Amildars to continue the heads of Taluk police as they have been divested of the Judicial functions by the Separation Scheme.

34) The Rev Comr concurs with the views of the D.C. The main file was sent to Committee on 11/4.

A. 35) This may be submitted in Continuation. 17/4. 17/4. SRV 17/4. Chief Secy D. 17/4

36) The opinions of the Dy Comrs of Shimoga & Bangalore Dists have been received and they are not in favour of Amildars being divested of Police functions and the Revenue Comr concurs with them. He is also averse to the Amildars being made subordinate to the D. of Police

37) Submitted for orders. It will be seen that 4/11

NOTE—Contn. sheet.

F

D) This file was [illegible] the Circle Office [illegible] further action if any in the case has now to be taken

D 31/10

G. R. S. III-2]

General and Revenue Secretariat.

14861

18

Pr File No. 133 of 1918.

Serial No.

the Opinion of the Dy Comrs of Shimoga & Bangalore on the Rev Comr have been received. The Rev Comr has not called for the opinion of the other Dy Comrs as required in this office no. G 17119 dt 13.2.19 which was issued in accordance with the Dewans order in para 19 supra.

7.

38) If approved, the Rev Comr will be requested to obtain & submit the opinions of the other Dy Comrs also.

Spr 12/11

Yes. Please comply with the above

D.M. 13/11

with all reminder

BJ 15/11

) James D.M. 23/11

destroyed.

from the Revenue Commr.

No. C.2209/Gl.19-20 dt 6.3.19

Forwards copies of communications received from the D.C's of Mysore, Hassan, Chitaldrug, Tumkur & Kolar.

4pr) The opinions of all the Deputy Commrs excepting that of Kolar have now been received All of them urge that Amildars should, as heretofore, remain

PROTECTION BRANCH. 13 DEC 1919

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 133 of 191 8.

Serial No.

as Head of the Trunk Police
Submitted for orders.

NOTE—Contn. sheet.

WD A 1789—GPE—60,000—20-8-15—S.

(48) 20)- The suggestion made now is no doubt a narrow one, but what control and supervision can an Amildar exercise if he is not made to realise the responsibility of his position and is not able to give useful instructions to his subordinates in the Police Department. If his connection with Police is deemed necessary to ~~crush~~ check oppression on the part of the subordinate Police oficers, then he will be regarded more or less as a spy and will command little or no respect. He will be a drug in the wheel of Police administration and while shirking all responsibility, will spoil cases with ~~implicity~~ impunity. This is not the reason why the investigation of heinous cases by the Amildars is insisted upon. This was all right so long as they were Magistrates. They knew the law and were dealing with it every day and had besides some powers vested in them by law over the Police. They could very well investigate murder cases and guide the Police in proper directions. Of course ~~xxxxx xxxix gxidxxxx xixxx~~ there used to be failures now and then under their guidance also, but who can guarantee convictions in all cases- Cases investigated by the best Police officers have ~~xfixx~~ often failed. The latest instance of this is afforded by the failure of the Newington ~~Madrxx~~ murder case of Madras. But on account of the separation of judicial ~~fxxxtixxx~~ from executive functions, things have assumed a different aspect. The Amildars are no longer - Magisrates and have no experience of criminal matters. They can't understand special Diaries and can give no instructions to the Police with confidence. I shall go the whole way and deprive them of their executive functions in Police matters except what they may retain as Magistrates. In my opinion their dissociation from the Police will infuse wholesome fear into the minds of ~~the law~~ police officers and improve their morale. What other changes should be made depends upon the decision upon this cardinal point of police organisation. This file may be submitted along with the file in which this question is raised and is being worked up.

Intd. M.H.H.

G. R. S. III-2)

(1643)

(2.2

General and Revenue Secretariat. | File No. 122 of 191 .

Serial No.

49) The opinion of the Madras Dy. Com^r has not yet been received. Its receipt will, if approved, be awaited.

50) As the question has been included in the list of questions to be discussed at the ensuing meeting of Heads of Depts at Dy Com^rs, the file will, if approved, be sent to the Revenue Secretariat for reference and return after the meeting is over.

Submitted
Asst
22/3

57) Yes
D. III.
23/3

54) To the Revenue Secrett.
Asst
22/3

53) The note req^d is submitted

D. III.
25/3

Rec'd.

54) Submitted. The file has been received back from the III Members Office. The receipt of the reply from the Madras Dy Com^r will, if approved, be awaited under para 49 above.

Asst
31/3

55) Yes.
D. III.

Asst
Assn Secretary
Revenue Secretariat
Madras
12th March

NOTE—Contn sheet. 7/4

G. R. S. III-2j

General and Revenue Secretariat.

Police File No. 133 of 1918

13833/1621

12401

(23)

Serial No.

7 From the Rev Commr
No. C. 1209 / Gl. Cy - Rev / 24.4.1920
forwards the opinion of the
D.C. Nadia in the matter.

8) He is not in favour of Ancillars being divested of Police powers and their being made subordinate to the Police Dept.

9) The D.C. Nadia also states that the promotions of Ancillars need not depend on the recommendation of the D.I.G. of Police.

10) Subd for orders.

SKR 24/4

24.4.20

11) Marked and this & the Rev Secy's for noting the opinion

D. M. 24/4

To the Rev Secy.

12) Subd for perusal. (The file will be returned to Police Branch after perusal)

24.4.20

24.4.20

To the Chief Secy

24.4.20

13) Subd.

SKR 26/4

14) Give what steps the Ancillars (and) Is no further action nec?

15) It depends on the decision of the Meeting. D.M. 26/4

NOTE—Contn. sheet.

1841 (24

R. S. III-2,

General and Revenue Secretariat. | Police File No. 133 of 1918

Serial No.

64) A copy of the abstract of discussions is put up from which it will be seen that the general opinion that Amildars must continue to exercise Police powers has been accepted.

65) Subd with reference to para 62 A reply is due to the D.G. of Police endse on his reference of 18.1.1919.

66) 12/7 To the Cons section for a note as to the overlapping of powers referred to in Column 5 of the Abstract of Discussions put up

67) Under the Scheme for the Separation of the Judicial & Executive functions in the State, the Amildars & Asst. Commissioners are made ex-officio Magistrates - but they do not exercise the functions of a Magistrate. The intention of Government seems to be that these Officers, for some time to come, should have sufficient powers to act during emergencies especially for prosecuting Crimes in local areas. No doubt, the Special Magistrate who has such powers within his jurisdiction and it may be duplication of powers may lead to Confusion

NOTE—Contn. sheet.

R. S. III-2.

General and Revenue Secretariat.

P&R File No. 133 of 1918.

Serial No.

There is no information in this office as to the extent of the overlapping as worked in practice, and the difficulties, if any, experienced by such overlapping. If approved, the District Magistrates of the Chief Court will be addressed in the matter, by taking extract and opening a separate file in the Courts section.

A

2) In regard to the exercise of police powers by Amildars, the general opinion that the Amildars must continue to exercise those powers has been accepted at the meeting, and orders are solicited if a draft reply to this effect to the Hy. Police, may be put up.

In reference to this letter of 18.1.19

Ans 20/7

69) Yes. Please put up draft. Section may also be taken as at A.

D. M. 30/7

70) Draft submitted for approval

SGR 2/8 Nov 7/8

D. M. 13/8

III Member

71) Draft approved

Extract taken in a new file in Ch Sects (4-20)

1113 13.8.20

Approved

DEWAN'S OFFICE
NOTE—Contn. sheet.
Recd. on AUG 17 1920
Reg. No. 1098

72) As against 4 D. Dewan's orders to be circulated

Accordingly 18/8/20

73) circulated vide 2/8/20 D. M. 30/7/18

G. R. S. III-21

General and Revenue Secretariat. | File No. 133 of 1918.

Serial No.

1) I have all along been of the opinion that of the three functions vested in the Amildar. Executive, Judicial & Police, it will be best to let him retain the first two & the duties of the third. There is nothing novel in this, since it is the system in vogue at present in the Bombay Presidency, the Revenue System of which has formed the model from own. But unless until the Police department is thoroughly organised & the Taluq Inspectors of Police are men of their stamp on their pay, there is some danger run in making the Taluq Inspectors of Police completely independent of the Amildar. I am therefore inclined to agree to the view of the I. G. P proposes as matters stand at present.

Peel
26.3.20.

NOTE—Contn. sheet.

Extract from the Proceedings of the 541st *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 2nd September *1920.*

9. Subject. - Clause xiii of the schedule.

Question of divesting Amildars of Police powers, in view of the introduction of the separation of the Judicial and Executive functions.

Opinion of the Council.

75) The draft order may be approved.

(Signed) A. R. Banerji,

Offg. Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-16

C. 140

G. R. S. III-2

General and Revenue Secretariat.

File No. of 19

Serial No.	
	Extract from Council Proceedings put up.
	2257 2.10.20
	Do. to Asst Secy. Prohn Branch for submitting to file of the Third Member with a D.F.N.
	CBB 3/9/20
	Please put up a D.F.N. D.M. 4/9
	A D.F.N. is submitted SCB 30/9
	Please have the D.F.N. typed as revised. D.M. 1/10
	Typed copy of the D.F.N. is put up. SCB 2/10
	To submit with D.F.N. D.M. 2/10
	III Member. D.F.N. was revised approved. 3/10
	D.S.N. Submitted. Dewan 5/10

DEWAN'S OFFICE.
Recd. on OCT 6 1920
Reg. No. 3051

NOTE—Contn. sheet

Submitted to His Highness.

***

83) I submit herewith a Final Note by the Third Member of Council on the question of divesting Amildars of their Police Powers, for His Highness' gracious approval.

8 Nov 1920

Final Note by the Third Member of Council.

Subject:-

Question of divesting Amildars of their Polics Powers.

---

84 In view of the Separation Scheme having been introduced in certain parts of the State, the Inspector General of Police (Mr.Mir Hamza Husein) proposed that the Amildars might be divested of their Police powers as it was anomalous that a purely Revenue Officer not exercising criminal powers and not in touch therefore with criminal law should exercise authority over trained and experienced Police Officers. In the alternative, he suggested that if it was deemed inexpedient to adopt that course the Amildars might be made subordinate to the Superintendent of Police and the Inspector General of Police in the same way as they are to the Sub Division Officer and the Revenue Commissioner respectivsly and that the Amildari service might be thrown open to the Police Inspectors also.

85 2. The opinions of the Revenue Commissioner and the Deputy Commissioners of Districts having been called for in the matter, all of them were of opinion that the Amildars should, as heretofore, remain heads of the Taluk Police.

86 3. The question was also discussed at the meeting of the Deputy Commissioners and select Heads of Departments held in March 1920 and the same conclusion was arrived at, viz., that under the present circumstances, it was inexpedient to deprive the Amildars of their police functions and as regards the general powers of the Inspector General over them the sense of the meeting was that any remissness on their part in the performance of their police duties might be brought to the notice of Government direct by the Inspector General of Police.

87) 4. The draft reply to the Inspector General of Police prepared accordingly was considered at the meeting of the Council held on the 2nd September 1920 and the Council are of opinion that it may be approved.

88) 5. The opinion of the Council may be graciously approved.

MEMBER OF COUNCIL.

4th October 1920.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

89) Question of divesting Amildars of their Police powers.

460

Order.

~~KRW~~
8/10/20

CL. Cy
Secy
10.10.20

C 140.

G. R. S. III-2]

General and Revenue Secretariat. | Police File No. 133 of 1915

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

*

C. S. Balasundaram
Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL

2350-10
16.10.20

SECOND MEMBER OF COUNCIL Seen
Rec
17.10.20

2429
14-10-1920.

THIRD MEMBER OF COUNCIL. W
14/10

NOTE—Contn. sheet.

90) Issue of the circular to the Members
by
19/10/20 D. M. 21/10

14641

94

General and Revenue Secretariat. | Police File No. 132, of 1918

Serial No.	
8	To The S. P. & Police No 9464 dt 29-10-1920 States that it is not expedient to deprive the amildars of their police functions and that any remissness on their part in the performance of their police duties may be brought to the notice of Govt. direct by the S. P. & Police.
91)	Send with reference to para 90.
	30.10.20
92)	Send for perusal
	I Member

191/6/11

D. M. 31/10

7/11

D. M. 10/11

B 17/11

FEB 13/11

311. 1920

No. 4639/342 Office of the Inspector General of Police in Mysore,

Dated Bangalore, 17th January 1919. 18

7579

From

Mir Hamza Husein Esqr., B.A., B.L.,

Offg: Inspector General of Police in Mysore. 133-18

1.

To

C. S. Balasundaram Iyer Esqr., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sir,

Adverting to Government Order No. J. 4550-4600/Cts. 312-12-1 dated 10th May 1918 introducing the scheme of the separation of Judicial from Executive functions in the Districts of Bangalore and Shimoga, I have the honor to state that the scheme naturally involves the question of divesting the Amildars of their Police functions which requires an immediate decision on the part of the Government. Nowhere in British India is the Amildar or Tahsildar invested with Police powers or is given the status of the head of Taluk Police. There is some propriety in the Amildar having control over the Police when he exercises Magisterial powers, for under the law Magistrates have got certain powers of control and supervision over the conduct of Police. The Police naturally look up to them with respect and they carry out without demur, orders and instructions issued by them. But such involuntary obedience and respect for the authority of the Amildar cannot be expected now, divested as he is of his Magisterial functions and, in future, situations will arise between the Amildar and the Police Inspector which will require interference on the part of higher authorities giving rise to departmental jealousies and quarrels of an unedifying kind. There won't be that harmony and spirit of

co-operation, which now characterises the relations between the Amildar Magistrates and the Inspectors.

Moreover, the Amildars ~~are~~ not being in touch with criminal work, will not be able to give any useful instructions to Police officers in the investigation of cases and their interference will certainly be to the detriment of Police work. As Magistrates, they are responsible for the general maintenance of law and order in their Taluks and they may be expected to take some interest in Police work, though they are not subject to the disciplinary control of the Inspector General in the same manner as they are of the Revenue Commissioner. But now not only they will show ignorance of and want of interest in Police work, but their intervention will divest the Police of their responsibility and having spoiled the case, they will throw the blame entirely upon the head of the Amildar. Such a state of things will not be conducive to good administration and the sooner it is put an end to, the better. Time was when the Amildar was at the head of every branch of administration in his Taluk. He was exercising civil powers until the establishment of Munsiff's Court. He was the Registration, Excise and Forest Officer too, until the reorganisation of those departments. The policy of Government has been to decentralise his powers and with the deprivation of his Magisterial powers, his Police powers must also go. It will be an anamoly of the worst kind to allow a purely Revenue Officer to exercise Police functions. The possible objections that may be taken to the proposed reform are:-

i. That the prestige of the Amildar will suffer and that the task of collecting Revenue will become more difficult,

ii. that the Police will lose their hold over the Village Police which is the back-bone of the Police administration, and

iii. that the Police Inspectors and Jamedars will become more independent and the check of the Amildars being removed, they

will tyrannise over the people.

The first objection is not of much importance, since if that was the view of the Government, they would not have deprived the Amildars of their Magisterial powers, which are more efficacious for the purpose than mere Police powers.

The second objection is equally untenable, since the regular Police will not lose their hold over the village Police, so long as the Deputy Commissioners remain District heads of Police and exercise the powers of a District Magistrate.

The third objection is really important and deserves consideration, But I think the Amildars will exercise more wholesome fear into the minds of the Police, from outside than from inside the regular force. Being heads of the Taluk Police, they are more likely to help and screen their subordinates than expose them and bring them to justice. But this outside influence is not sufficient. There will have to be proper check and control over the conduct of the subordinates from inside the department itself. It is impossible for the Superintendent of Police to exercise that check and control effectively. At present the whole of his time is occupied in the investigation of heinous cases, which on account of their large numbers, he is not able to look into with that degree of care and thoroughness, which is necessary for their successful working up. Besides, he has to go through the special diaries in minor cases, read station-house diaries and hold enquiries into the conduct of subordinates and attend to routine and disciplinary work besides. As it is, some of the charges are too large for a single Superintendent to manage efficiently. In my note upon the re-organisation scheme, which I submitted with my D.O. letter dated the 4th September 1918, I had recommended the appointment of an Assistant Superintendent of Police for each of the Sub-Divisions of Sagar, Davangere, and Chickballapur and the Bangalore City. Assistant Superintendents of Police for Davangere and Chickballapur may be

appointed now, or when the scheme of separation of Judicial from Executive functions comes into operation in the Districts of Chitaldrug and Kolar. But the appointment of an Assistant Superintendent of Police for Sagar with jurisdiction over the Taluks of Sagar, Sorab, Nagar and for Closepet with jurisdiction over the Taluks of Chennapatna, Kankanhalli, Magadi and Closepet has become imperatively necessary. These officers will exercise effective check and control over the conduct of the subordinate Police officers far better than the Amildars. These Assistant Superintendents will personally supervise the investigation of heinous cases, check minor crime and exercise disciplinary control over the force in subordination to the Superintendent of Police. The Assistant Superintendent of Police may be given a pay of Rs. 200/- a month, as proposed in the note mentioned above; the grades of Inspectors on Rs. 175/- and Rs. 200/- may be abolished. The scheme of the Sub Divisions of the Superintendent's charges, has been introduced into some parts of the Madras Presidency and the latest Police Administration Report of that Presidency shows, that the scheme is working well and that it is the intention of the Government to extend it further.

If this proposal does not commend itself to the Government and they hold that the continuance of the Police powers of the Amildars is necessary, then the following safe-guards are necessary:-

1. That the Amildar should be made subordinate of the Police Superintendent and Inspector General in the same way as he is of the Revenue Sub Division Officer, and the Revenue Commissioner, and the promotion of the Amildars should also depend upon the opinion of the Inspector General of Police, as was the case formerly under Government Order No.9118-28/J.508-92 dated 11th December 1892.

2. That the Amildari service should be thrown open to the Police Inspectors as was the case formerly.

If this is not done and the Amildars continue to remain as the head of the Taluk Police, then I am sure the Police service will deteriorate considerably, and there will be considerable discontent in the force, which will not be conducive to proper efficiency and discipline.

I have the honor to be,

Sir,

Your most obedient servant,

Offg. Inspector General of Police.

Strictly Confidential

G. R. S. VI—G/32]

SUBJECT.....

.....

Confl .....

Diary No. of letter replied to .. ..

Police Dept.

Section

File No. 133 of 18.

Serial No. 2

Strictly Confl & Urgent

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

No. 9 ~~16~~ 17119

Date of issue 13-2-1919

To

The Revenue Commissioner in Mysore.

Signed by Dewan P. N. Krishnamurthy

Sir,

I am directed to invite reference to G.O. no. F. 4550-4600/CS 312-12-1 dt 10th May 1918 regarding the introduction of the scheme of the separation of judicial & executive functions in the Dts of Bangalore Shimoga & to request you to consult the Dy. Commissioners

Gnd A 12/2

13 FEB

over.

61

of DS on the following points
& forward their opinions to
Govt. with Your own remarks
at a very early date :- -

(1) Whether the Amildars should
be divested of their Police functions
~~Whether they~~ or shd continue to
be at the head of the Taluka
Police, when the Judicial separation
is effected.

(2) If Continuance of Police
powers is necessary, what objections
would be raised to the Amildar
being made subordinate to the Police
Supt, & D. S. P. in the same way
as he is to the Revenue Supt &
the Revenue Commr & his promotion
being made dependent upon the opinion
of the D. S. P. also.

I have &c,
[illegible]
17/2

List of enclosures.

D. M.
12/2

Chief Secy.

Copied by

Examined by

GBS
12/2

WD86—GPB—60,000—15-11-16

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19 .

G 12805-4-1

Office of the Revenue Commissioner in Mysore.

D.O. No. 1138

Bangalore, 9th March 1919.

Dear Mr. Balasundaram Iyer,

Adverting to your D.O. No. G.20108 dated the 8th March 1919 in the matter of divesting the Amildars in the Bangalore and Shimoga Districts of their Police powers, I write to say that the Deputy Commissioners of these Districts, to whom I have written in the matter, have not yet furnished their opinions. I have sent an urgent reminder to them, and on receipt of their replies, I shall submit the same to Government with my opinion.

Yours sincerely,

NOTE—Contn. sheet.

CONFIDENTIAL.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. C3162 Sec 7 18-19
one Enclosure

Bangalore, 19th March 1919.

FROM

K.R. Srinivasaiengar Esq., M.A.,
Revenue Commissioner in Mysore.

To

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Department.

SIR,

Adverting to your letter No.G.17119/Pol.133-18-2 dated 13th February 1919 regarding the Amildars being divested of their Police functions when the separation of Judicial and Executive functions is effected, I have the honor to forward herewith copy of Shimoga District Deputy Commissioner's D.O. No.99 of 18-19 dated 12th March 1919 furnishing his opinion in the matter. The reply of the Deputy Commissioner of Bangalore District has not been received yet and on its receipt I shall forward it with my own opinion on the question.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station.

M.V.

R. C. 4 *Confidential*

From

The *Revenue Commissioner in Mysore.*

To Chief
The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~*Department.*~~

Dated 19th March 1919.

Despatched 20 15 March 1919.

Received

General No. C 3162

Enclosure No. one

SUBJECT.

Forwards Shimoga Deputy Commissioner's D.O. furnishing opinion re the continuance or otherwise of the functions of the Amildar as the Head of the Taluk Police.

D.O.No.99 of 18-19 dated 12th March 1919 from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore.

I have received your D.O.No.1006 dated 13th February 1919 regarding the continuance or otherwise of the functions of the Amildar as the head of the Taluk Police.

I consider that it is undersirable to divest the Amildars of their Police functions as they have a wider outlook over the Taluk Administration than the Police Inspector and as they generally exercise a healthy check on the actions of the Police when they might otherwise be prone to be harsh or onesided in certain circumstances. The fact of the separation of their Judicial functions is, in my opinion, itself an additional ground for securing better protection to the public by means of their supervision over the work of the Police.

The Amildar being the responsible head of the Taluk Administration, it seems desirable that his status should be maintained and that he should not be subject to the subordination of many officers. There can be no objection to the Police Superintendent exercising proper control over the Police work of the Amildar, but it is perhaps conducive to good administration that the more important of such communications from the Police Superintendent should be addressed to the Amildar either by the Deputy Commissioner direct or by the Police Superintendent signing for the Deputy Commissioner with his knowledge. The Police work of an Amildar is not likely to be more than about 10 to 15 per cent of his entire duties and there can be no objection to an Amildar's promotion being made to depend to that extent on the opinion of the Inspector General of Police a so in addition to that of the Revenue Commissioner.

'C o.p y'

For Revenue Commissioner.

Confidential-

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. C. 3162 of 18-19 *Bangalore,* 12th April 1919.

One Enclosure.

Pol 13418 14881.

FROM

K.R. Srinivasaiengar Esq., M.A.,
Revenue Commissioner in Mysore.

To

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Department.

SIR,

In continuation of my letter No.C.3162/Gl. of 18-19 dated 20th March 1919, I have the honor to forward herewith copy of Bangalore District Deputy Commissioner's D.O. No.58/C dated 10th April 1918 furnishing his opinion regarding the Amildars being divested of their Police functions and to state as follows:-

2. The principal objection to the Amildars being entrusted with Police functions is, I presume, based on the fact that they are Magistrates as well. That objection loses all its force by their being relieved of magisterial work which has been done in the Districts of Bangalore and Shimoga.

3. Both the Deputy Commissioners of Bangalore and Shimoga are averse to Amildars being divested of their Police functions and, for the reasons urged by them, I agree in the view they have taken. Our Police Inspectors are not highly paid officers and it seems to be desirable both in public interests as well as in the interests of the Police Department that the Amildars should exercise a certain amount of check and supervision over their work.

4. In regard to the enquiries whether any objection would be raised to the Amildar being made subordinate to the Police Superintendent and the Inspector General of Police and his promotion

R. C. 4

From

The *Revenue Commissioner in Mysore.*

To Chief
The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~Department~~

Dated 12th April 1919.
Despatched 14. 4. 1919
Received
General No. C. 3162 81/18-19.
Enclosure No.

SUBJECT.

Furnishing opinion re the Amildars being divested of their Police functions.

being made to depend upon the opinion of the Inspector General of Police also, I beg to state that the Amildar is essentially a Revenue Officer and should have only one controlling officer to look up to. Besides Police functions, he is connected with work pertaining to several other Departments, such as Muzrai, Excise, Sanitary, Survey, etc.; and if the Inspector General of Police is to be consulted as regards his promotion, the Heads of other Departments may well claim a similar privilege though in a somewhat smaller degree. I think that instead of obtaining the opinions of the Inspector General of Police or any other Heads of Departments every time that the question of the promotion of an Amildar comes up, it should be quite sufficient - as it is the case now - if these officers are asked to bring to the notice of Government or the Revenue Commissioner, for necessary action, instances of good or bad work noticed by them on the part of any Amildar.

I have the honor to be,

Sir,

Your most obedient servant,

Revenue Commissioner.

H.V.

BVR

D.O.No.58 dated 10th April 1919 from the Deputy Commissioner, Bangalore District, to the Revenue Commissioner in Mysore, Bangalore.

I owe you an apology for not having answered your D.O.No.1006 of the 13th February 1919 until now owing to having mislaid the letter inviting my opinion re the desirability or otherwise of Amildars being divested of their Police Functions. I have given the question some thought. Having regard to the signs of the times, I can quite see that Police Inspectors are anxious to be independent of Amildars who exercise now some sort of control over the Police. I am not unaware of the fact that, in British Territory, the Tahsildars do not exercise any Police Powers and the Police are an independent body subject only to the general supervision of the District Magistrate so far as the maintenance of Law and Order are concerned. But the question for us to consider is ~~is~~ are present-day conditions of Mysore identical to those prevailing in British Territory? I should say they are not. Many of our Police Inspectors, though their prospects have in recent years been considerably improved, still draw a low pay. They are not, barring exceptions, highly qualified. They have not, I am afraid, enough experience of the world. Instances may not be wanting of Police Officers turning a deaf ear even to serious complaints. Quite recently, but for the intervention and timely action of the Amildar, a case of dacoity would not have seen the light of day. There must be some sort of check over the Police in the Taluk. - Being Revenue Officers the Amildars are more in touch with the people. Under the recent Government Order they are bound to camp out for fifteen days and visit a larger number of villages including the interior ones. The Village Officers and Village Police are directly under them. They are thus in contact with the every day life of the people. Unless they continue to be Heads of Taluk Police, they cannot be expected to render speedy help to the people. Time has not come yet for a change. I should think that the Taluk Police, in the interest of the people and Government alike, should be for some time to come, under the

control and supervision of Amildars who need not be divested of their Police functions. Now that judicial functions have been separated, there is greater reason why the Amildars should continue to be heads of Taluk Police.

2. Holding as I do the above views, I see no objection to the Amildars being also under the Police Superintendent as heretofore. They need however, be held responsible for only the prevention and detection of grave crimes. The standing orders I believe, require that the promotions of the Amildars should depend upon the opinion of the Inspector General of Police also. No change is therefore called for at present.

'C o p y'

For Revenue Commissioner.

H.V.
BVR

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. 2209/1-14-20 *Bangalore,* 1st March 1920

FROM

16431

18-19 Police

K. Chandy, Esqr., B.A.,
Revenuer Commissioner in Mysore

TO

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~*Department*~~

SIR,

Adverting to your letter No.12639/Pol.133-18 dated 2nd December 1919 and subsequent reminders calling for the opinions of the Deputy Commissioners of the marginally noted Districts in the matter of divesting Amildars of their Police functions, I have the honour to forward herewith copies of the communications received from the Deputy Commissioners of Mysore, Hassan, Chitaldrug, Tumkur and Kolar Districts.

Mysore.
Kadur.
Hassan.
Chitaldrug
Tumkur.
Kolar.

2. The Deputy Commissioner of Kadur has not furnished his opinion in spite of several reminders and an urgent D.O. reminder has again issued to him to-day.

I have the honour to be,

S i r,

Your most obedient servant,

K Chandy

Revenue Commissioner.

B.R.
BOR

R. C. 4.

From

The *Revenue Commissioner in Mysore.*

To Chief

The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~*Department.*~~

23752

Dated 1st March 1920.

Despatched

Received

General No.

Enclosure No.

SUBJECT.

Re the opinion of the Deputy Commissioners of certain Districts in the matter of divesting Amildars of their Police functions.

CHIEF SECRETARIAT
PROTECTION BRANCH.
9 MAR 1920

R. C. 4.

From

The *Revenue Commissioner in Mysore.*

To Chief

The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~Department.~~

23752

Dated 1st March 1920.

Despatched

Received

General No.

Enclosure No.

SUBJECT.

Re the opinion of the Deputy Commissioners of certain Districts in the matter of divesting Amildars of their Police functions.

CHIEF SEC. TO GOVT. MYSORE
PROTECTION BRANCH.
9 MAR 1920

D.O. letter No.1 dated 6th December 1919 from the Deputy Commissioner, Chitaldrug District, to the Revenue Commissioner in Mysore, Bangalore.

In reply to your D.O. letter No.C.2209/G1. dated the 3rd December 1919, calling for opinion in the matter of divesting the Amildars of their Police functions etc., I am to state as follows:--

(1) The Amildars may continue to be at the head of the Taluk Police.

(2) The Amildar is already a subordinate to District Superintendent of Police in Police matters. His promotion need not depend upon the opinion of the Inspector General of Police as he rarely comes in contact with the Amildar or his work. Of course in exceptional cases of proved neglect or misconduct, animadverted upon by the Inspector-General of Police, his opinion may be given due weight. Dual control should not be the rule but an exception.

" C o p y "

For Revenue Commissioner.

B.R.

D.O. letter No.Camp No.33 dated 24th December 1919 from the Deputy Commissioner, Mysore District, to the Revenue Commissioner in Mysore, Bangalore.

In reply to your D.O.No.2269/G1. dated the 3rd instant, asking for my opinion as to whether the Amildars should be divested of their Police functions, consequent on the introduction of the Scheme of the separation of the Judicial and Executive functions etc., I beg to state that I have already furnished my opinion in this matter when a similar communication was received by me this time last year, when I was in charge of the Bangalore District. I am not in favour of either divesting the Amildar of his Police Powers, or making him subordinate to the District Superintendent of Police for reasons mentioned by me in my above mentioned D.O. letter to the Revenue Commissioner.

C o p y "

A K Subbarao

For Revenue Commissioner.

B.R.

D. O. letter No.21 dated 22nd December 1919 from the Deputy Commissioner, Tumkur District to the Revenue Commissioner in Mysore, Bangalore.

With reference to your D.O.letter No.C.2209 G.C. dated 3rd December 1919 about the Police functions of Amildars I send herewith two memos, one showing advantages of having Amildars as Heads of Police and the other disadvantages thereof and how they may be remedied and state as follows:-

2. The Amildars being the Ex-officio Police officer according to the Police Regulation controlling the Inspector and other Police officers of the Taluk and commanding great influence over the public, is a source of positive help to the subordinate Police in their work of prevention and detection of crime. In out of the way places, he is the only officer to whom the public can appeal, whenever anything serious is apprehended or has occurred either in the matter of grave offences against law or order or against the irregular and high-handed procedureof the subordinate Police Officers. In the Mysore State, people have been traditionally brought up from time immemorial to look to the Amildar for redress of all sorts of grievances irrespective of his powers to give them any relief. In spite of the creation of several new departments and facilities in the way of Railway, Telegraph, &c., people have not forgotten their old ways and it will be a long time before they will look upon the Amildar as a pure Revenue Officer. It is undesirable to change the existing state of affairs which has worked well and satisfactorily simply for an ideal. He must as now under the Regulation, continue to be an Ex-officio Police Officer exercising close supervision but not interfering unnecessarily in the departmental discipline and proper investigation of cases.

I would however add, that it is necessary that the Amildar should not be required to take up the personal investigation of heinous cases, which, with the increase of pay and prospects of the present day Inspectors these latter should be made to take up invariably, the Amildars being expected only to go the spot in cases

of murders, Dacoities and serious riots to guide the Inspector and others in the course of their investigation and to give them that help which his influence and prestige can command. The Amildary service is now being recruited with officials of the Revenue and other allied departments and these newly recruited Amildars lack training in Police investigation work. The Inspectors with their special training ought to be able to do this better.

The regular Police have no direct control over the village Police whose disciplinary control is with the Amildar and the Revenue Officers under the Village Officers Regulation. In bringing about co-operation between the Regular and Village Police, the position of the Amildar as an Ex-Officio Police Officer will tend towards harmony and efficiency. For these reasons, I am of opinion that it is desirable to have the Amildar as an Ex-officio Police Officer as laid down in Police Regulation.

Amildars are also officers of the Excise and the Forest departments ex-officio, but they are not directly subordinate to the District Excise Officer or to the District Forest Officer, or to the Heads of those departments in disciplinary matters. In the same manner, his ex-officio position in the Police Department should not be subjected to the disciplinary control of the District Superintendent of Police or to the Inspector General of Police, nor is their promotion to be subject to the good opinion of these Officers as a rule. It does not however preclude these officers from bringing particular instances of grave neglect of duty or derelictions on the part of the Amildars in police matters to the notice of Government for suitable notice.

" C O P Y "

For Revenue Commissioner.

T.K.N.

Letter No.256-19/H.C. dated 22nd December 1919 from the Deputy Commissioner, Hassan District, to the Revenue Commissioner in Mysore, Bangalore.

With reference to Mr. C.S. Kuppuswamy Iyengar's D.O. letter No.C.2209/G1. dated the 3rd December 1919 calling for my opinion regarding the continuance or otherwise of Police powers to Amildars, I have the honour to state that I have discussed the question with the Officers in the District and to reply as follows:--

2. With regard to the question whether the Amildars should be divested of their Police functions or should continue to be as the Head of the Taluk Police, the opinion has been varied. One view is that as the personnel in the class of Inspectors has of late been improved there is no longer any necessity for investing the Amildar with any powers of control and that the interests of the work will not materially suffer if the power is withdrawn as it has become quite a nominal one. This view is based on the apprehension that while the arrangement lends itself to the Police Inspector shirking his responsibility any interference on the part of an aggressive Amildar is likely to prove more harmful than otherwise.

3. There is also the other side of the question to be looked into. In the first place, Police functions are executive and not judicial and as such the Amildars having control over Police work is not inconsistent with the separation scheme. It may not also be quite expedient to leave unfettered powers in the hands of Police Inspectors, at any rate for some more time, as their status has not yet been sufficiently raised, though there has been some improvement in recent years. The difficulties incidental to unhealthy interference etc., will be more imaginary than real so long as the Deputy Commissioner is vested with Police powers and con-

tinues

continues to be the unitary controlling authority both in the Revenue and in the Police Departments.

4. For these and other reasons, I am inclined to think that time has not yet come to divest the Amildars of the Police functions they now have.

5. As regards the question of making the Amildar a subordinate of the District Superintendent of Police and the Inspector General of Police also, I am afraid that dual control is not wholesome and will not work smoothly and satisfactorily. Besides, the need for such a control is not apparent as the interests of all the Departments are equally safeguarded by continuing all powers in the Deputy Commissioners. The impressions and opinions of the Deputy Commissioner are formed and expressed with reference to all the activities of the various Departments under his control and could not possibly be one sided and there need be no fear therefore that undeserved orders are likely to be passed in regard to the promotion of Amildars on the score that their work is not commented upon by the Officers of the Police Department.

" C o p y "

For Revenue Commissioner.

B.R.

Office of the Deputy Commissioner,
Tumkur District,
Dated the 22nd December 1919.

AMILDAR AS HEAD OF POLICE.

ADVANTAGES.

Amildar being the general Head of Taluk affairs is a source of positive help to Police Officers in their work of prevention and detection of Crimes. It not only secures a certain amount of prestige and strength for the Police Officers who can always claim sympathy and co-operation, but will also be a source of constant fear to such of the people who have a tendency to suppress crime or to throw impediments in the way of Police Officers in their work.

His position as Head of Police enables him to watch the work of the Police Inspectors and other Subordinate Police Officers and can exercise wholesome influence over them whenever they are likely to go wrong as he has also the general administrative (and have a sort of parental and traditional) interest of the taluk as contrasted with the departmental interest merely with which the subordinate Police are actuated, which at times inspires in them a tendency to over-do things. It is this wholesome interest and influence of Amildars in Police matters that has secured a fair name for Mysore as contrasted with the system obtaining in the British Territories where Tahsildars (even though some of them are Magistrates) have no opportunities of exercising any supervision as Heads of Police. Hence in addition to the departmental (disciplinary and other) powers exercised by the Police Department over the Taluk Inspectors and others, the influence of Amildars (as officers independent of police departmental disciplinary control) is necessary in the interest of the Public welfare.

------:(0):------

DISADVANTAGES AND HOW THEY CAN BE REMEDIED.

For want of disciplinary control by the Police Departmental Officers, the Amildars (it may be said) do not interest themselves in Police matters sufficiently.

This tendency on the part of the Amildars which is everyday growing is certainly not due to any want of Police disciplinary control over them, but chiefly, to the tendency on the part of the District Superintendents to confide in the Police Inspectors to the prejudice of the Amildars who are not officers of the Police Department merely. But in making Amildars--Heads of Police--subordinate to the District Superintendents, would not only to take away the safeguard inherent in the present system but to make the Police Department too strong thereby defeating the very object, which experiments and experience have rendered it necessary to be kept in view in public interests.

There appears to be one way of improving the interest of the Amildars in Police matters in the present wholesome system and that is to give Amildars greater freedom to supervise the work of the Inspectors and other subordinates by making it incumbent upon them (Amildars) to bring to the notice of the Deputy Commissioners direct any difference of opinion between them and the Police Superintendents by sending copies or extracts of the remarks on special diaries or other papers. By means of an expedient such as this, the present irksome position of the Amildar could considerably be removed and he will be afforded an incentive to take greater interest in Police matters. This appears to be better than making him a subordinate of the Police Department as that (by virtue of the duel control of Revenue and Police Departments) would only enhance the irksomeness of the Amildari service and lead to no practically profitable results.

Taking into account the present condition of investigations and prosecutions in the Police Department wherein the District Superintendent of Police cannot adequately issue full instructions to subordinate officers and watch their work to the necessary extent, it may perhaps be suggested that for every District Police Office, an officer of the rank of Assistant Superintendent may be appointed to attend chiefly to the important work of supervising investigations and prosecutions and in important cases to conduct prosecutions as well and the desirability of the expedient is based upon the disabilities which the present Head Quarter Inspectors have, in adequately dealing with the matter noted above by virtue of the inferiority of their positions. If this system could be adopted, it improves the Police Work far more than the system of making Amildars, subordinates of the Police Department could do and renders their position as subordinates of two Departments altogether unnecessary.

ANANDA RAO S. SIRSI,
Deputy Commissioner,
Tumkur District.

------:(0):------

" C o p y "

For Revenue Commissioner.

K.T.R.

D.O. Letter No.60 dated 28th/30th December 1919 from the Deputy Commissioner, Kolar District, to the Revenue Commissioner in Mysore, Bangalore.

As desired in your D.O.No.C.2209/G1. of the 3rd December 1919, I enclose herewith a Note containing my opinion on the points relating to the Police functions of the Amildars and their subordination to the District Superintendent and the Inspector General of Police.

N o t e.

Reference:-- Revenue Commissioner's D.O.No.C.2209/G1. dated 3rd December 1919, stating that in connection with the introduction of the Scheme of the Separation of the Judicial and Executive functions, the Government desire to have the opinion of the Deputy Commissioner on the following points:--

(1) Whether the Amildars should be divested of their Police functions or should continue to be at the head of the Taluk Police when the separation is effected.

(2) If continuance of Police powers is necessary what objections would be raised to the Amildar being made subordinate to the Police Superintendent and the Inspector General of Police in the same way as he is to the Revenue Sub Division Officer and the Revenue Commissioner and his promotion made to depend upon the opinion of the Inspector General of Police also.

As regards the first point, it may be mentioned here that the

the question is not a new one. On several occasions, the question of divesting the Amildar of the Police functions was urged on the attention of Government but without success.

3. The Indian Police Commission of 1902-03 seem to have appreciated the system obtaining in Mysore as the powers of general supervision of the local Amildar, who is generally a more responsible and experienced Officer, having the welfare of the people at heart, were considered very wholesome, inasmuch as he could promptly and effectively check the vagaries and the high-handedness of unscrupulous subordinate Police Officers, without at the same time impairing their duties and responsibilities under the Police Regulation.

> "The fact that the District Magistrate and his subordinates in their Revenue and other work are in some Provinces brought into closest contact with the people accessible to them and well acquainted with them have tended greatly to prevent abuse in the Police as well as in other Departments."
>
> (Indian Police Commission Report of 1902-03).

3. When Mr. F.E.C.Carr was Inspector General of Police, he appears to have strongly urged the same question, with a view to make the subordinate Regular Police independent of the quasi Police Officers, as in the Madras Presidency. But the proposal fell through, as it was considered by Government, that the majority of Inspectors and subordinate Executive Officers of the Regular Police, were not so educated and highly paid as in the Madras Presidency, that men of probity could very rarely be found to fill such responsible places on a small pay, and that the general supervision of a more responsible local officer as Amildar which has been found to work very satisfactorily, could not be dispensed with.

4. When the question of the separation of the Executive and the Judicial functions were lately under consideration of the Government,

Government, this question was again suggested by some. It was then contended, that the divesting the Amildar of the Police, instead of the Magisterial functions, would not only be more convenient and satisfactory alike to the Government and the public, but would also involve no additional expenditure, and that the technical objection of the same officer exercising the Police and Magisterial functions would be obviated. Though there was some force in this suggestion, it was not also accepted, as among other reasons, it was probably considered, undesirable to divest the Amildars of the Police functions, and make the low paid Taluk Police all powerful.

5. As the pay and prospects of the subordinate Police Officers, have been improved lately, it may be asked why the Amildars should continue as Ex-officio Police Officers. But it may be pointed out, that after all, the revised scale of pay has not gone much to improve the status of these officers, has not been commensurate with the increased cost of living in recent years, and has not reached the standard of scale obtaining in the Madras

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"The Inspector ought to occupy a position similar to that of the Thasildar (or Mamlatdar.) His Police duties and responsibilities are similar to those of the Tahsildar in the Revenue Department and it is essential to place the two Departments on practically the same footing or it will be impossible to secure good men for the Police. The same kind of men should be attracted to both services. The Commission therefore propose that the pay of Inspectors should run from Rs.150 to Rs.200 with a few special appointments on Rs.250/- reserved for thoroughly deserving Inspectors who are nevertheless unfit for further promotion". (Report of the Indian Police Commission of 1902-03).

Presidency and elsewhere. At any rate it does not attract men of higher education and character, for whom there has been in recent years a considerable dearth everywhere. In the result, the same, if not inferior, type of men alone, are generally available, now for the subordinate Police service, and all the circumstances which were formerly considered to militate against the Amildar being divested of the

Police

Police functions still exist. So long as the Amildar is the Taluk Magistrate and also the head of the Taluk Police, he will be looked upon by the people with "a justifiable suspicion as the Policeman, the Prosecutor and the Judge". But as he is being relieved of the Magisterial functions, he will stand forth more prominently as the administrator, the friend and the representative of the people, and will have their more hearty co-operation, in the prevention of crime and maintenance of order.

6. In this connection; the position of the Amildars in relation to the Village Police has also to be considered. The Indian Police Commission, have emphasised their conviction that the Village Police ought not to be separated from the Village organisation, and placed under the Regular Police. They have observed that "To place the Village Police Officer under the thumb of the Station House Officer, would be to subvert the system in its essential principles, to get out of touch with the people in their customs, usages and interests, and often to place the dregs of the people over the respectable classes. The Village Watchman would become the menial servant of the Police, and probably become unscrupulous in his methods. He would work apart from, and often against, the Village head. His intimate knowledge of village affairs would be lost, and he would become a very inferior Police Officer. Both the Village headman and the village Police Officer must be regarded as cooperating with, not subordinate to, the Regular Police".

7. They have also stated that "In almost every Province of India, the man who is responsible for the discharge of village Police duties, is also the Revenue Head of the Village or the representative of the Revenue Head. This is a state of things which the Commission regard as most satisfactory. It provides for

for the remuneration of the headman, in connection with his Revenue duties, and it indicates automatically the man, whose influence and position in the village, render him most suitable to be invested with responsibility in regard to Police work".

8. The Commission have further observed that

> "The supervision and control of the headman in discharge of their duties, should be entrusted to the head of the District. In this he will, of course, be assisted by his subordinates ..... The District Officers' Assistants and the Tahsildars, should be required to regard it as an important duty to supervise the work of the Village Police. The tendency to neglect Criminal work in favour of Revenue duties, of which there is considerable evidence, should be restrained. The Sub Divisional Officer and the Tahsildar (or Mamlatdar) should especially, each within the area of his jurisdiction, and within the limits of his powers, regard himself as the representative of the District Officer, in respect of both Revenue and Criminal work".

9. So much has been said by the Police Commission, about the necessity of the Revenue Officers, chiefly the Mamlatdar, being made to supervise the work of the Village Police. If the Amildar's control in Police matters, which is happily provided in the Mysore Statute, is now taken away, the Village Police on whom the prevention of crime and maintenance of order much depends, will be automatically placed under the Regular Police, and gradually pave the way for the evil effects, which were so vehemently denounced by the Police Commission. Further the unity of the present system viz., the head of the Revenue Administration in the District, the Taluk and the Village being also respectively the

head

head of the Police in the same areas, will be broken, and the removal of the very valuable buffer, that now exists between the Regular Police and the people, would impair a healthy Criminal Administration. There-fore in the interest of the public and the Criminal Administration, it seems very desirable that the Amildar should continue to be at the head of the Taluk Police.

10. If the Amildars are however divested of their Police functions also, they will of course be quite happy, as they will have then lighter work and less responsiblity, and I found from discussions with the Sub Division Officers, District Superintendent of Police and the Amildars, at a Special Meeting, that all Amildars who are disposed to shirk responsibility have urged their being divested of Police functions.

11. The 2nd point being a more important one requires a more careful consideration. For this purpose it seems necessary to examine the present position and powers of the several Officers under the Police Regulation. It will be observed, in the first place, that neither the Deputy Commissioner nor the Amildar is a "Police Officer" as defined in the Police Regulation, inasmuch as they are not members of the Regular Police Force appointed under the Regulation. In Section 14 of the Police Regulation, the Deputy Commissioner is however declared to the head of the Police in his District, subject to the general control of the Inspector General of Police, for directing and regulating all matters connected with the efficient discharge of their duties, by the Police Force in his District.

12. In Section 15 Clause (1) the District Superintendent of Police is empowered to exercise all or any of the powers of the Deputy Commissioner, subject to such rules and orders as may be made by Government, and to the general control of the Deputy Commissioner.

13. The

13. The District Superintendent of Police is also given direct control over matters, connected with arms, accoutrements, clothing, drill and descipline etc., and can correspond with the Inspector General of Police directly on all such matters. The same punitive powers are given to the Deputy Commissioner and the District Superintendent of Police in Section 26 (2) but the former is made an appellate authority over the latter in Section 27 (2).

14. As regards the powers of the Amildars, Section 15 (2) says that subject to such rules and orders as may be made by Government, and to the general control of the Deputy Commissioner, "the Amildar or the Deputy Amildar shall be Ex-officio Police Officers within their Revenue charges, and shall have general powers of control over the Police, and be responsible for the prevention and detection of crime, and maintenance of order within such charges; and the Inspector shall be the Executive head of the Police within his range, subject to the general control and direction of the Amildar or Deputy Amildar".

15. As Section 15 (1) gives the District Superintendent of Police, all or any of the powers of the Deputy Commissioner, subject to his control, the District Superintendent of Police derives from the Deputy Commissioner, his powers of general control over the Amildar or Deputy Amildar.

16. It will be observed that the powers of internal descipline, and the executive duties are assigned more to the members of the Regular Police than to the quasi Police Officers, whose powers of general control and direction amount to the issuing of orders or instructions, for the guidance of

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He (the District Head) must have the power to issue to the Police any orders necessary to secure the efficient discharge of their duties in the preservation of peace or in the prevention or detection of offences. But his intervension is not intended to be constant or detailed. It is intended to be of the nature of general control and direction and to assume a detailed or particular character only occasionally and when necessity arises.
(Report of Indian Police Commission).

of the Regular Police Officers subordinate to them. It is true that one of the Circular orders of the Inspector General requires, that the Amildars should take up the investigation of heinous cases themselves. As the Amildars are made responsbile for detection of crime and maintenance of order within their Taluks (Section 15 (2)), such a Circular seems to have been issued, in the belief that the Amildars being more responsible and influential local Officers, would be in a better position to sift the truth, and secure proper evidence, to bring the offenders to justice. It was however urged in the course of the discussion, that the Amildars have to depend upon the hearty cooperation of the Regular Police, for their successful investigation of cases. So long as such a cooperation exists, or so long as the Regular Police at least remain neutral, the object aimed at by the Circular is secured. But it is not often the case. There is some force in the contention that the moment an Amildar, especially when he is a strong man, takes up the investigation, the subordinate Regular Police think that their responsibility for the successful investigation of the case ceases, very often find it more profitable to secretly join opposite camps, indirectly thwart the successful investigation, and manage to make the Amildar a scapegoat, for, the District Superintendent of Police is generally more sympathetic, and easily lends his ears, to them being members of the Regular Police. A weak Amildar on the contrary, usually places himself entirely in the hands of the subordinate officers of the Regular Police, (instances of Jamadars or even Daffedars writing out Special Diaries for the Amildars in Heinous Cases are not uncommon), who do not hesitate to follow objectionable methods of securing evidence of any kind, in support of their view, and if the case fails, they do not hesitate to throw the blame on the Amildar who cannot escape it. In either case, i.e., where the Amildar is strong or weak, the object of the Circular is, it is urged,

urged, more often defeated. To prevent this another Circular was issued by the Inspector General (Mr. Devaraj Urs) soon after the introduction of the Investigation Centre Scheme, enjoining that the officers (Jamadars) in charge of each Centre should investigate all Cases, the Inspectors being also made at the same time responsible for the successful investigation of cases. This Circular is quite in accordance with the view of the Indian Police Commission, who held that even the Police Inspectors should not ordinarily conduct investigations but only supervise the work of the Station House Officers. But I may observe here that those disposed to shirk work and responsibility have taken an unfair advantage of this circular much to the detriment of an efficient discharge of their Police duties and Criminal administration has consequently very often suffered. I am glad however that it has been held that this circular has not superseded the former one and the Amildar's responsibility for the personal investigation of all heinous cases still continues.

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> The Police Inspector should reside in his circle and should be responsible to the Superintendent for all Police work within its area. He should not ordinarily conduct investigations; but supervise. The responsibility for investigations should ordinarily rest with the officer in charge of the Police Station; but the Inspector should keep himself informed of what is going on within his charge, should take special note of the progress of important cases and should be ready to assist in any investigation where his assistance seems to be required. The necessity for some such system has been felt.
>
> (Para 61 of the Indian Police Commission Report)
>
> It is necessary to maintain, as far as possible, the responsibility of the officer in charge of a Police Station for the work of his charge. It is inexpedient to set him aside unnecessarily; and superior officers should rather aim at assisting and advising him, than set him aside.
>
> (Para 165 of the Indian Police Commission Report of 1902-03).

17. In this connection I would add that the investigation of only important heinous cases will have to be taken by the Amildars and these will be few and far between perhaps not more than

than one or two a year. In this again an important distinction will have to be made in cases in which purely local people are concerned, and those in the commission of which foreign gangs or criminals have had a hand. In the latter class of cases, it would not be fair to ask Amildars to take up the investigation which invariably have to be done by the Inspectors and the District Superintendent of Police. But when local agencies are involved, it is clear that the contention urged above, that the Police would thwart the Amildar and mislead him in the investigation of the cases, cannot have much force, for the Amildar, with his multifarious sources of information, local influence and experience, should certainly be in a position to withstand any such tendencies on the part of the Police subordinates, and ought to be in a position to correctly gauge the situation, and reject any false or misleading piece of evidence thrust on him by unscrupulous officers.

18. With a view however to secure better cooperation, there may be a rule insisting on the responsibility of the Police Inspectors and Station House Officers for the successful investigation of such cases, even though the Amildars take up the investigation. Any report by the Amildar regarding the conduct of the subordinate Police will not, it is hoped, fail to carry weight with the District Superintendents of Police, who in case they disagree with the opinion of the Amildars, may be required to submit the same immediately with their own opinion to the Deputy Commissioner for orders.

19. The Amildars have no punitive powers; nor have they any powers of patronage under the Police Regulation, which most of the Amildars have urged as a reason against saddling them with such responsibilities.

It seems to me desirable to give the Amildars some punitive

powers.

powers such as

(1) suspending and fining Constables up to a certain limit,

& (2) subject to the approval of District Superintendent of Police suspending and fining Daffedars up to a certain limit.

They may also be given powers to grant casual leave to the Jamadars, Daffedars and Constables. The confirmation and promotion of the Daffedars and constables may be made depend upon the opinion of the Amildars also.

20. Coming to the point at issue, the District Superintendent of Police has only general powers of control over the Amildar. The Police Regulation does not give him any disciplinary control over the latter. As the Amildar has no scope for passing any independent orders in Police matters, the Police Regulation does not give the District Superintendent of Police any appellate powers over the Amildar.

21. The Amildar's position under the Revenue Regulation is different. He is appointed under the Revenue Regulation and given large independent powers. The Sub Division Officer who is also appointed under the same Regulation, is his immediate superior authority, in Revenue matters possessing appellate powers.

22. It has been urged that it is not clear how in these circumstances, the Amildar could be made subordinate to the District Superintendent of Police, in the same way as he is to the Revenue Sub Division Officer, and that with less powers and more responsibilities and greater subordination, the Amildars would feel their position very miserable, and the wholesome influence expected of them in the Criminal Administration would be lost,

that

that the Inspectors are the executive head of the Taluk Police (Section 15 (2) in the same way as Amildars are at the head of the Revenue of the Taluk, whereas the Amildars have only general control and direction, and that the proposed dual control over the Amildar will be very irksome and undesirable.

23. But if the Amildars are given some punitive and other powers as suggested by me in the previous para, the District Superintendents of Police can exercise appellate powers over the Amildars, and their control over the latter will then be in the same way as the Sub Division Officers have over the Amildars. In fact the District Superintendents of Police have even now practically almost the same powers over the Amildars as the Sub Division Officers, who have to report to the Deputy Commissioners the good or bad work of the Amildars for commendation or censure as the case may be.

24. As regards the point whether the Amildars have to be made subordinate to the Inspector General of Police in the same way as they are to the Revenue Commissioner, it may be observed that the duties and responsibilities of the Amildar in Police matters are little, when compared with his multifarious duties and responsibilities in Revenue and other miscellaneous Departments. Unless he has to take up the investigation of heinous cases himself under the Inspector General's old Circular already referred to, his work will be of the nature of general supervision. If any shortcoming on his part in Police work is observed, it alone should not be taken as an index of inefficiency. His work in the Revenue and other Departments may be satisfactory.

25. Further the Revenue Commissioner usually forms his opinion about ~~the~~ Amildars from Confidential and Special Reports of the Deputy Commissioner who from his intimate knowledge of the

Taluk

Taluk Officers is generally in a better position to judge of their character as well as their work in the several Departments. The Inspector General of Police would naturally also resort to the same source of information for forming his opinion about the Amildars. It cannot be that the Deputy Commissioner would give one opinion to the Revenue Commissioner and another to the Inspector General of Police. It seems to me therefore unnecessary that, unless an Amildar has so grossly misbehaved himself, the Inspector General of Police should also ordinarily be required to give his opinion about an Amildar for the latter's confirmation or promotion.

26. To summarise:--

1. The Amildars should continue to be the head of the Taluk Police when they are divested of the Magisterial functions.

2. Their responsibility for personal investigation of important heinous cases should be insisted only when local agencies are concerned in the commission of the offences, the Police Inspectors and the Station House Officers being also at the same time held responsible for the successful investigation of such cases.

3. The Amildars should be given some punitive and other powers to have a better control over the Police subordinates.

4. The present powers of the District Superintendent of Police of general control over the Amildars are sufficient for all practical purposes. They may be given appellate powers over the Amildars if the latter are given any punitive powers.

5. The opinion of the Inspector General of Police

Police ordinarily for the confirmation or promotion of the Amildars seems unnecessary.

" C o p y "

For Revenue Commissioner.

B.R.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. C. 2209/Gl.19-20 *Bangalore*, 2nd April 1920

FROM

K. Chandy, Esq., B.A.,
Revenue Commissioner in Mysore.

To

Chief
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Department

SIR,

In continuation of this office letter No.C.2209/Gl. of 19-20 dated the 6th ultimo forwarding the opinions of the

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Mysore, Hassan, Chitaldrug, Tumkur and Kolar. marginally noted Deputy Commissioners in the matter of divesting Amildars of their Police functions, I have the honour to forward herewith a copy of the communication No.D(1).Dis.2/19-20 dated 11th March 1920 received from the Deputy Commissioner of Kadur in the matter.

I have the honour to be,

S i r,

Your most obedient servant,

K. Chandy

Revenue Commissioner.

B.R.

R. C. 4.

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From

The *Revenue Commissioner in Mysore.*

To Chief

The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~Department.~~

Dated 2nd April 1920.

Despatched 6 — " — 1920

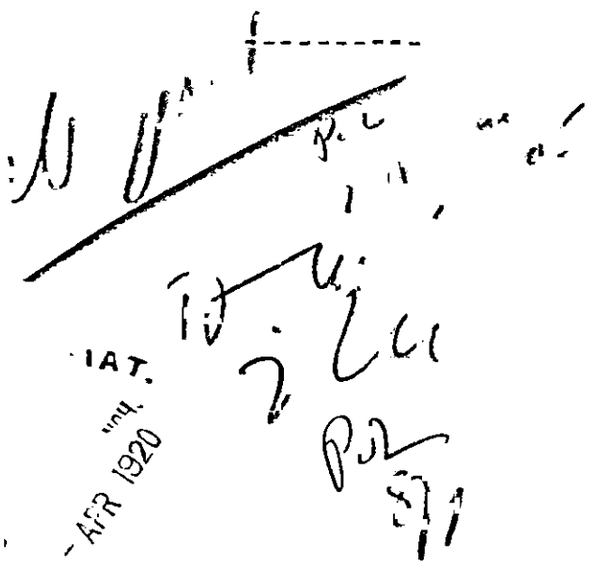
Received 7 APR 1920

General No. C. 2209/Gl/19-20

Enclosure No. 1

SUBJECT.

Furnishing the opinion of the Kadur Deputy Commissioner, in the matter of divesting the Amildars of their Police functions etc.



Letter No.D(1)Dis.2/19-20 dated 11th March 1920, from the Deputy Commissioner, Kadur District, to the Revenue Commissioner in Mysore, Bangalore.

With reference to your letter No.C.2209/G1. dated 3rd December 1919 calling for my opinion whether in view of the Government order re. the separation of the Judicial and Executive functions, Amildars may not be divested of Police powers and if not so divested, made subordinate to the District Superintendent of Police in the same manner as ~~xxx~~ to Sub Divisional Assistant Commissioners, I have the honour to state as follows:--

1. The introduction of the scheme for the separation of the Judicial and Executive functions, if it affects the question at issue at all, makes it unnecessary to divest Amildars of these powers. In the first place, there might have been some reason, while the Amildar was the Taluk Magistrate with the power to try cases, for contending that he should not be the head of the Taluk Police also. With the removal of the power to try cases, this objection is removed. In the second place, the Amildar has now at his disposal for his other work the time which he had so far to spend in trying cases; and if it could justly be stated till now that in many cases the Amildar could not give sufficient time and attention to his Police duties and that his headship of the Taluk Police was nominal, it no longer need be so. The separation of Judicial and Executive functions furnishes therefore, on the other hand good reason for continuing police powers with Amildars as hitherto.

2. This question of Amildars having police powers seems to have been fully considered at the time the Police Regulation was passed into law and two objects seem to have been kept in view in vesting police powers in this class of officers. First, the linking

linking up of the village police with the regular police and secondly the provision of a wholesome check over the work of the subordinate police executive. Both these considerations hold good now also. The Patels have police functions as well as revenue and are in effect subordinate to one officer, the Amildar in both respects. To divest Amildars of Police powers and leave the Patel as the head of the village police would mean that the Patel is made subordinate to two distinct officers in the Taluk. This has always to be avoided in the interests of efficiency and good work. As to the second object, namely the provision of a wholesome check over the subordinate police, it seems to me that it is desirable to have such a check always and that such check is best exercised by the Amildar.

3. One of the grounds urged against the present arrangement is that friction arises between the Amildars and Police Inspectors and the administrative of the police thereby becomes inefficient. It seems to me that such friction does not exist in many cases, that the functions of the two are clearly enough defined and that there will be no cause for such friction, if the executive police realise that they are under the general control of the Amildar and if a healthy check is placed on insubordination and proper supervision is exercised.

4. I am therefore of opinion that Amildars should not be divested of Police Powers.

5. It has been asked whether in this case, Amildars should not be made subordinate to District Superintendent of Police in the same manner as to Sub Divisional Assistant Commissioners and their promotion made to depend on the recommendation of the Inspector General of Police also. Amildars should not, I think, be made subordinate to Superintendents of Police as they are to Sub Division Assistant Commissioners for the reasons that their work is

mainly

mainly revenue and only in a small measure police and that such dual subordination is injurious to efficiency and good work. The Amildar's relation to the District Superintendent of Police is in fact the same as that of the Deputy Commissioner who is the head of the District Police to the Inspector General of Police, and it seems to me that the same relation may continue hereafter. As to the promotion of the Amildars being made to depend on the recommendation of the Inspector General of Police also, the reason for which these officers need not be made subordinate to the District Superintendent of Police would apply here too and insistence on such recommendation in every case of promotion would seem to me unnecessary. As a matter of fact there is nothing at present to prevent bad police work as any other bad work on the part of the Amildar being brought to the notice of Government and duly dealt with and a specific recognition of this power in the Inspector General of Police, if necessary, is all that may be required.

" C o p y "

For Revenue Commissioner.

B.R.

G.R.S. 26]

File No. 133-18
Serial No. 8

Diary No. of letter replied to 18405

11

No. 87/64

General and Revenue Secretariat
(Police)
, *the* 19

To
The D. G. of Police
in Mysore

Date of issue 29/10

Signed by M Rm

Sir

With reference to your letter No. 4639/342 dt. 17/18th January 1919 regarding the question of divesting the Amildars of their Police functions in view of the introduction of the scheme of the separation of the judicial and executive functions I am directed to state that during the meeting of Deputy Commrs and Select Heads of Depts held in March 19 to, the general opinion that Amildars must continue to exercise Police powers, as at present, has been accepted.

I have &c

for Chief Secy

no change in the existing arrangements is called for, as at

After Careful Consideration in this Dept has been Come to this under the Conclusion that the Amildars

SUBJECT.

over.

Memo No. 5765

Copy forwarded with compliments to the Resident in Mysore with reference to correspondence ending with his letter No. C 2109/ GL-19-1021 16th April 1920

By order

Dy

for Chief Secy

SBR
4/8

List of enclosures,

Copied by

Examined by

GPB—6,000—1-5-09